

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4367 of 2022

Arising Out of PS. Case No.-474 Year-2022 Thana- BIDUPUR District- Vaishali

Kallu Kumar @ Krisanandan Kumar Son Of Kedar Rai R/V- Bajitpur Saidat,
P.S.- Bidupur, District- Vaishali

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Raj

For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-01-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The informant is the police official, therefore, notice is
not required to him.

This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
(hereinafter in short referred to as the 'SC/ST Act') against the
refusal of prayer for bail vide order dated 12.10.2022, passed by
learned Special Judge SC/ST, Vaishali at Hajipur in connection
with Bidupur P.S. Case No. 474 of 2022, registered under
Sections 147, 148, 149, 341, 342, 353, 427, 379, 414, 188, 337,
338, 504, 506 of the IPC, Section 56 of the Bihar Mining Act
and Sections 3(i) (r) (S), 2 (va) of SC/ST Act.

Appellant along with other accused persons named in
the FIR is said to have obstructed the way of the informant and



also assaulted him.

It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that the place of alleged illegal storage of sand has no concerned at all with respect to the appellant. He submits that all the Sections under which the alleged FIR has been lodged are bailable in nature except Section 353, 379, 414 of the IPC. He submits that there is no specific overt act against the appellant to abuse the informant by taking caste name. He submits that this FIR is just a counter blast of political revelry of the local village politics and due to which his name has come in the instant FIR. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

However, learned Spl. P.P. for the State opposes the prayer for bail and submits that appellant is also involved in the present case.

Considering the facts and circumstances of the case, let the above named appellant in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the



learned Special Judge SC/ST, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 474 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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